

APPEAL NO. 021266
FILED JULY 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 23, 2002. With respect to the single issue before her, the hearing officer determined that the appellant (claimant) did not have disability, as a result of her _____, compensable injury from _____, to January 16, 2002, but that she did have disability from January 17, 2002, through the date of the hearing, in accordance with the parties' stipulation to that effect. In her appeal, the claimant essentially argues that the hearing officer's determination that she did not have disability from _____, to January 16, 2002, is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not have disability for the period from _____, to January 16, 2002. That issue presented a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the finder of fact in determining that the claimant did not sustain her burden of proving disability during the period at issue. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and address of its registered agent for service of process is

**CJ
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge